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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,403	04/23/2001	David J. Boothby	05110-009003	5942
26161	7590	09/07/2005	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			PHAM, KHANH B	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,403

Applicant(s)

BOOTHBY ET AL.

Examiner

Khanh B. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35,37 and 39-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 35,37 and 39-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/3/04 & 1/7/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's IDS submission filed on 9/3/2004 and 1/7/2005 has been entered.
2. The indicated allowability of claims 35, 37, 39-48 is withdrawn in view of the newly discovered reference(s) to Salkewicz et al. (US. 5,970,502 A) and Kucala (US 5,727,202 A). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 35, 37, 39-40, 45-48** are rejected under 35 U.S.C. 102(e) as being anticipated by Salkewicz et al. (US. 5,970,502 A), hereinafter "Salkewicz".

As per claim 35, Salkewicz teaches a method for synchronizing the first database with a second database (See Abstract) comprising:

- “reading a first record of the first database” at Col. 7 lines 1-10;
- “assigning a code to the first record of the first database, the code comprising a hash number computed based on at least a portion of the content of the first record of the first database” at Col. 10 lines 1-22 and Figs. 9A-C;
- “using the code in the synchronization process to determine whether a record of the second database is identical to the first record of the first database” at Col. 10 lines 1-48.

As per claim 37, Salkewicz teaches a computer program for synchronizing the first database with a second database comprising:

- “reading a first record of the first database” at Col. 7 lines 1-10;
- “assigning a code to the first record of the first database, the code comprising a hash number computed based on at least a portion of the content of the first record of the first database, the code being insufficient to reconstruct the record but sufficient to identify the record” at Col. 10 lines 1-22 and Figs. 9;
- “using the code in the synchronization process to determine whether a record of the second database is identical to the first record of the first database” at Col. 10 lines 1-48.

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As per claims 39, 40, Salkewicz teaches the method and computer program of claim 35, 37, wherein “the first and second databases are located on different computer” at Col. 1 lines 5-10

As per claims 45-46, Salkewicz teaches the method and computer program of claims 35, 37, wherein “the code assigned to the first record comprises the hash number combined with other information” at Col. 7 lines 17-22.

As per claims 47-48, Salkewicz teaches the method and computer program of claims 45, 46, wherein “the records of the first database are identified by unique Ids, and the code assigned to the first record comprises a combination of the hash number and the unique ID of the record.” at Col. 7 lines 17-22.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salkewicz as applied to claims 35, 37, 39-40 and 45-48 above, and in view of Kucala (US 5,727,202 A), hereinafter “Kucala”.

As per claim 41, 42, Salkewicz teaches the method and computer program of claims 35, 37 as discussed above. Salkewicz teaches a method for synchronizing a first and second database but Salkewicz does not explicitly teach “the first and second

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databases each comprise at least one of scheduling, diary, and contact manager database". However, it is well known in the art to store scheduling, diary, and contact manager in a database, as exemplary by Kucala. Kucala teaches a method for synchronizing two databases containing scheduling, diary and contact data at Col. 2 lines 50-65. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Salkewicz and Kucala's teaching so that Salkewicz's method would be used to synchronize scheduling, diary and contact manager database as claimed. As a result, Salkewicz's method could be used to synchronize Personal information management data between desktop computer and handheld device, as suggested by Kucala at Col. 1 lines 14-22.

As per claim 43-44, Salkewicz and Kucala teach the method and computer program of claim 41, 42 discussed above. Kucala also teaches: "wherein the first and second databases have different record structure" at Col. 4 lines 44-58.

Conclusion

7. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (571) 272-3574 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-

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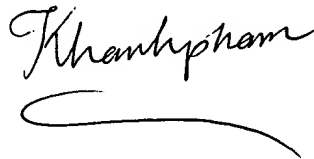
4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham
Examiner
Art Unit 2167

August 18, 2005

A handwritten signature in cursive script, reading "Khanh B. Pham", with a long horizontal flourish underneath.